DeMaria, Eva

From: Muza, Richard <Muza.Richard@epa.gov>
Sent: Thursday, September 26, 2013 12:55 PM
To: LIVERMAN Alex
Cc: MCCLINCY Matt
Subject: RE: Stormwater SCE explanation language

Alex

I've been meaning to get back to you on this. EPA is ok with much of the language that you developed but has some minor edits and recommendations:

Please assure that future SCDs do provide the background info described in your writeup below regarding SCMs and/or BMPs for stormwater. Too often, EPA reviews show that little to no additional data was either collected or presented in the SCD to assure SCMs and/or BMPs have been effective.

If a 1200Z permit is in effect, why not include an evaluation of the recent monitoring data as an additional support for the effectiveness of BMPs etc?

For the following statement, we recommend this edited change:

"...Concentrations that fall on the lower/flatter portion of the curve suggest that stormwater is not being unusually impacted by contaminants at the site, and while concentrations may exceed the risk-based SLVs, they are within the range found in stormwater from active industrial sites in Portland Harbor."

We don't believe that mentioning the 1200Z benchmarks etc is necessary. While the 1200Z is not perfect for many involved in a Superfund in-water cleanup, we feel that the use of any moniotoring data to support a SCD for stormwater is warranted.

THANKS!

Rich

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From: LIVERMAN Alex [liverman.alex@deq.state.or.us]
Sent: Tuesday, September 17, 2013 1:25 PM
To: Muza, Richard
Cc: MCCLINCY Matt
Subject: Stormwater SCE explanation language

Hiya.

As we have been discussing, here is a compilation of language (in " ") to be incorporated into future Stormwater source control decision memos, that I believe meets the objectives of explaining the process, indicating how tools are applied and allows PMs to lay out the lines of evidence to support the decision. My hope is that we can include this standardized language, made specific to each site circumstances, in order to avoid a back and forth in comments and responses to finalize decisions. If this is understandable to both DEQ and EPA, I think we can meet both agencies needs. Let me know if you agree or have suggestions to improve our mutual understanding of these important communications…

"The chief objectives of the stormwater SCE are: A) to determine whether existing and potential sources of contamination that can be mobilized in stormwater from the site have been identified; and B) whether additional characterization or source control measures are needed at the site. These determinations generally rest upon demonstrating that site-related information provides sufficient support to make the following findings:
1. Existing and potential facility-related contaminant sources have been identified and characterized.
2. Historical and on-going contaminant sources have been removed or are being controlled to the extent feasible.
3. Performance monitoring conducted after Source Control Measures (SCMs) were implemented supports the conclusion that the SCMs are effective.
4. Adequate measures are in place to ensure source control and good stormwater management measures occur in the future."

Description of potential contaminant sources to stormwater at the facility, stormwater system components and fate of discharges, treatment components, best management practices, source control measures. Along with a description of appropriate data collected and evaluated per DEQ guidance to demonstrate effective control of legacy and on-going operational contaminants, such that additional source control measures are not warranted.

Commonly, high concentrations of CoCs identified in legacy conveyance pipe sediments are removed. As long as on-going operations do not result in accumulation of the removed CoCs in catch basin sediments or stormwater above SLVs, removal of legacy inline sediments is considered an effective source control measure. If the same or additional CoCs accumulate in catch basin/inline sediments at levels above SLVs, additional source control measures may still not be warranted. This occurs when these CoCs measured in stormwater are below SLVs, or when sediments or stormwater are above SLVs, but demonstrate a decreasing trend and are below the flat portion of the 'typical' curves. While not a stand-alone line of evidence, application of the curves is a reasonable approach to evaluating data that screens above the conservative, risk-based numbers representing chronic water quality criteria or drinking water criteria, but aren't able to be applied here per EPA/DEQ regulatory guidance and protocols for protection of subject waterbodies. [It may be that we need to agree on language to elucidate this point for inclusion in the paragraph below] Application of these curves is described in the following paragraph:

"Appendix E of DEQ's guidance contains a tool for evaluating stormwater data. This tool was created by using contaminant concentration data from many of the stormwater and stormwater solids samples collected at Portland Harbor-area heavy industrial sites. This data was used to create a series of charts that plot rank-order samples against contaminant concentrations, and are used to identify contaminant concentrations in samples that are atypically elevated. Concentrations falling within the upper/steeper portion of the curve are an indication that uncontrolled contaminant sources may be present at the site and that additional evaluation or source control measures may be needed. Concentrations that fall on the lower/flatter portion of the curve suggest that stormwater is not being unusually impacted by contaminants at the site, and is therefore typical of industrial sites in Portland Harbor. A summary of the data, compared to JSCS SLVs and the typical curves tool is presented below."

When a 1200Z permit or other regulatory mechanism is in place to ensure on-going BMP/SCM implementation, DEQ includes the following statement:

"This determination is predicated on continued implementation of source control measures described in the facility's stormwater pollution control plan and stormwater monitoring required by the NPDES 1200Z permit. The 2012 1200Z permit requires monitoring for a broad suite of contaminants (including most of the contaminants of concern for Portland Harbor sediments) and compels improvements to best management practices, as warranted by monitoring

results. DEQ will continue to review site monitoring and permit compliance to ensure the effectiveness of source control."

I am reluctant to be specific about permit benchmarks being inappropriate as performance criteria before we have a department approved position on this or adequate evaluative tools to make a risk-based statement like this. But perhaps we can add a statement discussing the hierarchy of SLVs (WQC) being more conservative than flat portion of the curves numbers, which are more conservative than most benchmarks. Perhaps we just add a statement regarding the removal/control of legacy contamination being complete and on-going regulation of operational industrial stormwater being in compliance with statewide-derived industrial pollutant limits developed for the 1200Z permit to maintain compliance with WQC, TMDL load allocations, etc.…

Your thoughts are appreciated.

--Alex
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